

REMARKS/ARGUMENTS

This application has been carefully considered in view of the non-final office action mailed September 24, 2009. As a result, a minor amendment has been to the abstract and a clean copy of the abstract is attached to the response. An amendment has also been made to the specification to provide headings and subheadings.

Claim 7 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In this respect the claim has been amended to provide a further method step. Therefore, reconsideration of this grounds for rejection is respectfully requested.

Claims 1-3, 5-9, 12, 13 and 17-23 have been rejected under 35 U.S.C. 102(b) as being directly anticipated by the reference to Chan, US published application number 2003/0203353, or, in the alternative as being obvious over Chan. Claims 4, 10, 11, 16 and 24-26 have been rejected as being obvious over the teachings of the reference to Chan. Claims 14, 15, 27 and 28 have been rejected as further being obvious over Chan when considered in view of the teachings of the secondary reference to Yamamoto et al, US published application 2002/0094303. For the reasons set forth below, reconsideration of these grounds for rejection is requested and favorable consideration and allowance of the claims solicited.

In response to the rejections of the claims over the prior art, claim 1 has been amended to define the "steady conditions" of the flow of medium through the microreactor and to define a flow rate through the microreactor by addition of the following language:

"wherein the steady conditions of the flow of the medium are provided so that firstly, magnitudes of the transformation involved in the medium at a given point in time are constant over time, and secondly, parameters relating to flow of the medium, including a flow rate thereof, are constant over time, with the flow rate being in a range of 1mL/h to 1L/h."

Support for this amendment to claim 1 is found at page 3, lines 15 to 21 of the application and original claim 11. No new matter is being added.

In Chan, a method for monitoring time dependent reactions is disclosed in which reaction mixtures are transported along a flow channel and at least one magnitude characteristic of the reaction mixture is measured, however, the flow rate of the mixture is varying, see paragraphs [0023] and [0041] of the reference. This is unlike the "steady conditions" of the present invention wherein the flow of medium is such that the magnitudes of the transformation involved in the medium at a given point thereof are constant over time and also such that parameters relating to the flow, such as its flow rate, are constant over time. Further, claim 1 now states that the flow rate lies within a specific range.

It is respectfully submitted that one of ordinary skill in the art would understand that the method of Chan is specifically dedicated to determine characteristics of **transient** conditions under which the reaction mixture is measured. On the contrary, with the method and apparatus of the present invention, a medium is measured only after establishing a flow of the medium under **steady conditions**, such that, amongst others, the flow rate is constant over time. Thus Chan measures conditions of the flowing medium at varying flow rates while the present invention analyzes under steady conditions wherein the flow rate does not vary.

It is respectfully submitted that one of ordinary skill in the art would not modify the analyzing method taught in Chan by creating a steady and constant flow rate of the medium as Chan emphasizes the desire for the medium to have a flow rate variation. The claims of Chan are specifically directed to such varying and thus the inventive thrust of Chan teaches directly away from the methodology of the present invention. For the foregoing reasons, not only does Chan not teach each element of the method and apparatus of the present invention such that there is no anticipation under 35 U.S.C. 102(b), but it would not be obvious to develop the "steady conditions" of the present invention.

In view of the foregoing, favorable consideration and allowance of the claims of the present application is respectfully requested.

The rejection of claims 14, 15, 27 and 28 over the combination including Yamamoto et al has also been considered, however, the teachings of Yamamoto et al can not be used to cure the differences between the teachings of Chan and the present invention for the reasons set forth above and thus, even if one were to make the combination, the results would not anticipate applicant's invention as set forth in the amended claims.

As this response is being filed after the shortened statutory period, a separate request for a one month extension of time is submitted here with together with the required fee. Any deficiency in the extension of time fee may be charged to Deposit Account 04-1577.

An earnest effort has been made to place this application in condition for formal allowance. Should the Examiner have any questions regarding this response and the amendments submitted

here with or the allowability of the claims over the art, the Examiner is invited to contact the undersigned attorney at the telephone number shown below for purposes of expediting the further prosecution of the application.

Respectfully submitted,
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